

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE: CLARENCE O'NEAL LEVERETTE, SR.

CHAPTER 13

DEBTOR

BANKRUPTCY NO. 11-51548

ADVERSARY NO. 12-05005

MOTION TO DISMISS

Community Bank responds to Debtor's Adversary Proceeding Against Community Bank for an Order Requiring Turnover of Property or Alternatively for Contempt and, in support thereof, would show unto the Court the following:

1. The complaint fails to state a claim for which relief can be granted.
2. The complaint is waived given the automatic stay has been lifted and the claims made in the complaint could have and should have been brought prior to the Court's ruling lifting the stay.

WHEREFORE PREMISES CONSIDERED, Community Bank requests that the Court enter an order dismissing Debtor's adversary proceeding against Community Bank and grant such other relief as is necessary under the circumstances.

Respectfully submitted,
COMMUNITY BANK

BY: 

Stephen E. Gardner, Its Attorney

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CERTIFICATE OF SERVICE

I, Stephen E. Gardner, certify that on this day, I electronically filed the foregoing Objection to Confirmation with the Clerk of the Court and served a copy of the foregoing document electronically to ECF participants and via United States mail upon non-ECF participants requesting copies of pleadings at the address of record.

This, the 8th day of February, 2011.



STEPHEN E. GARDNER